



# University of Hawaii at Manoa

Environmental Center  
Crawford 317 • 2550 Campus Road  
Honolulu, Hawaii 96822  
Telephone (808) 948-7361

Office of the Director

RL:0321

## Proposal 221 and 309 RELATING TO PRESERVATION (AND DESTRUCTION) OF LANDS AND SITES

State for  
Con Con Committee on  
Environment, Agriculture, Conservation and Land  
Public Hearing 16 August 1978

by  
Doak C. Cox, Environmental Center

Proposals 221 and 309 would each amend Article X of the Constitution to add an article relating to the preservation (or destruction) of lands and certain kinds of sites. They are, therefore, considered in a single statement. The statement does not reflect an institutional position of the University of Hawaii.

The reference in Proposal 309 to the United States and in Proposal 221 to the armed forces of the United States suggests that a major concern in both is with the destructive effects of certain federal military uses of lands. Very likely this concern is related particularly to such effects on Kahoolawe, which have been widely publicized.

Although even a provision in the State constitution may have little direct effect on the uses by the armed forces of the nation on duly established federal military reservations, expression of the State's strong desire that its conservation policy should apply to federal lands may be appropriate. The following suggestions are advanced for consideration:

- i) The expression should relate to all federal (or federal and state) lands or activities as in Proposal 309, and not merely to armed forces activities as in Proposal 221.
- ii) It should be framed in terms of positive aspects such as preservation as in Proposal 309, rather than negative aspects such as destruction as in Proposal 221.
- iii) It should avoid prescribing policies that are not in the power of governments to implement. For example, preservation of spiritual properties of lands or sites cannot be accomplished by a government, although preservation of an environment conducive to spirituality and preservation of a site having spiritual significance can be.

- iv) The conservation policies applied should be those applied to other equivalent lands, not more stringent policies applicable only to military or federal lands.